

## **VIII. LEAST RESTRICTIVE ENVIRONMENT**

It is the policy of the State of Iowa that children requiring special education shall, to the maximum extent appropriate, be educated with children who are not handicapped. Iowa policy governing least restrictive environment (LRE) is applicable to all education agencies having responsibilities for the provision of special education and related services for children with disabilities

The State of Iowa requires local education agencies (LEAs) and state operated educational programs to provide or make provision, as an integral part of public education, for a free and appropriate public education sufficient to meet the needs of all children requiring special education. This is not to be construed as encouraging separate facilities or segregated programs designed to meet the needs of children requiring special education when the children can benefit from all or part of the education program as offered by the local school district. To the maximum extent possible, children requiring special education shall attend regular classes and shall be educated with children who do not require special education. Whenever possible, hindrances to learning and to the normal functioning of children requiring special education within the regular school environment shall be overcome by the provision of special aids and services rather than by separate programs for those in need of special education.

Special classes, separate schooling or other removal of children requiring special education from the regular educational environment, shall occur only when, and to the extent that the nature or severity of the educational handicap is such that education in regular classes, even with the use of supplementary aids and services cannot be accomplished satisfactorily. For those children who cannot adapt to the regular educational or home living conditions, and who are removed from the regular education environment upon the request of the board of directors of an area education agency (AEA), the Department of Human Services shall provide residential or detention facilities and AEA shall provide special education programs and services. The AEAs shall cooperate with the Iowa Board of Regents to provide the services required.

Iowa's Rules of Special Education further interpret and define the least restrictive environment as follows:

Each agency shall ensure that, to the maximum extent appropriate, children requiring special education are educated with individuals who do not require special education and that special classes, separate schooling or removal of children requiring special education from the general education environment occurs only if the nature or severity of the individual's disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

When developing an eligible individual's IEP, the IEP team shall consider the following questions regarding the provision of special education and related services:

- a) What accommodations, modifications and adaptations does the individual require to be successful in a general education environment?

- b) Why can't these accommodations, modifications and adaptations be provided within the general education environment?
- c) What supports are needed to assist the teacher and other personnel in providing these accommodations, modifications and adaptations?
- d) How will providing special education services and activities in the general education environment impact this individual?
- e) How will providing special education services and activities in the general education environment impact other students?

Iowa Department of Education policy assures that agencies providing special education and related services make a continuum of alternative placements and services available to meet the needs of children with disabilities. To the maximum extent appropriate to the needs of the eligible individual, special education and related services shall be designed and delivered so as to maintain the individual in the general education environment.

The general education environment includes, but is not limited to, the classes, classrooms, services, and nonacademic and extracurricular services and activities made available by an agency to all students. For preschool children who require special education, the general education environment is the environment where appropriate activities naturally occur for children of similar age without disabilities.

Instructional services are the specially designed instruction and accommodations provided by special education instructional personnel to eligible individuals. These services are ordinarily provided by the LEA, but in limited circumstances, may be provided by another LEA, the AEA or another recognized agency through contractual agreement. An agency may choose to use the program models and related requirements for delivering instructional services, or the development process for creating a delivery system of instructional services.

An agency may elect to use the following program models and delivery methods in providing instructional services to eligible individuals.

1. "Resource teaching program" is an educational program for who require specially designed instruction in specific skill areas on a part-time basis. Individuals enrolled in this type of program require specially designed instruction for a minimal average of 30 minutes per day. This program shall include provisions for ongoing consultation and demonstration with the general education teachers of the individuals served. This program may be operated on a multicategorical basis. The teacher of a resource teaching program shall serve in no more than two attendance centers. The maximum class size for this program is 18 students at both the elementary and secondary levels with the exception of programs for individuals with hearing impairment or visual impairment which shall be 15 students at both levels.
2. "Special class with integration" is an educational program for individuals who can benefit from participation in one or more academic offerings of the general education program, and who require specially designed instruction for a significant portion of the school day. The program shall include provisions for ongoing consultation and

demonstration with the general education teachers. To be operated on a multicategorical basis, the following conditions shall be considered: support services provided to the program including appropriately authorized consultant services; the need for and availability of paraprofessionals to assist the teacher; the individuals served have comparable educational needs; and the chronological age range does not exceed four years. The maximum class size for this program is 12 students at the elementary level and 15 students at the secondary level with the exception of programs for individuals with hearing impairment or visual impairment which shall be 10 students at both levels.

3. "Self-contained special class with little integration" is an educational program for individuals who require specially designed instruction for most of their educational program. The maximum class size for this program is 8 students at the elementary level and 10 students at the secondary level. The maximum class size of this program at the secondary level may be 15 students if an AEA work experience coordinator coordinates and supervises on- and off-campus work experiences for those individuals requiring specially designed career exploration and vocational preparation.
4. "Self-contained special class" is an educational program for individuals whose total instructional program must be specially designed and provided by a special education teacher. The students served by this program shall be provided opportunities to participate in activities with nondisabled individuals. The staff-to-student ratio for this program shall be one teacher and one paraprofessional for each five students. When students numbering six through nine are added, an additional paraprofessional must be employed. When the tenth student is added, another special education teacher must be employed. The chronological age range of students served in this program shall not exceed six years.
5. Early childhood settings" designed primarily for children without disabilities below the age of six may be used to provide special education instructional services. In such circumstances the early childhood settings may be publicly funded or fee-based community programs. The AEA or LEA responsible for providing special education may contract with a fee-based community program to provide special education instruction. Instructional services are provided and monitored on site by early childhood special education personnel.
6. Special education instructional services may be provided through a combination of "part-time early childhood and part-time early childhood special education settings." These settings provide special education instruction in a general education environment designed primarily for children without disabilities below the age of six in addition to an ECSE classroom environment designed primarily for children with disabilities. The IEP shall be monitored in both settings by ECSE personnel.
7. Reverse integration settings" refer to the provision of special education instruction in an environment designed primarily for children with disabilities who are not age eligible for kindergarten. In such circumstances, at least 50 percent of the children enrolled in the ECSE setting do not have disabilities.
8. Early childhood special education settings" are designed primarily for children with disabilities below the age of six. These programs are served by one ECSE teacher and one paraprofessional and may be operated on a multicategorical basis. These settings

serve up to eight children unless the setting is designed for individuals with severe disabilities in which case the maximum class size is five children.

9. Home instruction” refers to the provision of special education instruction in the home for children ages three to six.

Maximum class size limits are predicated upon one teacher to the specified class size. When a teacher is employed less than full-time for a resource teaching program or ECSE, setting the maximum class size shall be proportionate to the full-time equivalency of the teacher employed. If, in unique circumstances, it is necessary to exceed the class size maximum for a special class with integration, the chronological age range shall not exceed six years or four years for a class operated on a multicategorical basis. When circumstances necessitate placing an eligible individual in a less restrictive program for receipt of the recommended program, that individual shall count as two individuals in computing the class size.

An agency may elect to use the following development process for creating a system for delivering instructional services. The delivery system shall meet the continuum of services requirements and shall provide for the following:

1. The provision of accommodations and modifications to the general education environment and program, including modification and adaptation of curriculum, instructional techniques and strategies, and instructional materials.
2. The provision of specially designed instruction and related activities through cooperative efforts of special education teachers and general education teachers in the general education classroom.
3. The provision of specially designed instruction on a limited basis by a special education teacher in the general classroom or in an environment other than the general classroom, including consultation with general education teachers.
4. The provision of specially designed instruction to eligible individuals with similar special education instructional needs organized according to the type of curriculum and instruction to be provided, and the severity of the educational needs of the eligible individuals served.

The delivery system shall be described in writing and shall include the following components:

1. A description of how services will be organized and how services will be provided to eligible individuals.
2. A description of how the caseloads of special education teachers will be determined and regularly monitored to ensure that the IEPs of eligible individuals are able to be fully implemented.
3. A description of the procedures a special education teacher can use to resolve concerns about caseload. The procedures shall specify timelines for the resolution of a concern and identify the person to whom a teacher reports a concern. The procedures shall also identify the person or persons who are responsible for reviewing a concern and rendering a decision, including the specification of any corrective actions.

4. A description of the process used to develop the system, including the composition of the group responsible for its development.
5. A description of the process that will be used to evaluate the effectiveness of the system.

The following procedures shall be followed by the agency:

1. Before initiating the development of the delivery system, the LEA board shall approve such action and the LEA personnel and parents who will participate in the development of the alternative.
2. The delivery system shall be developed by a group of individuals that includes parents of eligible individuals, special education and general education teachers, administrators, and at least one AEA representative. The AEA representative is selected by the director.
3. The director shall verify that the delivery system is in compliance with these rules prior to LEA board adoption.
4. Prior to presenting the delivery system to the LEA board for adoption, the group responsible for its development shall provide an opportunity for comment on the system by the general public. In presenting the delivery system to the LEA board for adoption, the group shall describe the comment received from the general public and how the comment was considered.
5. The LEA board shall approve the system prior to implementation.

Special education may be provided to eligible individuals on an itinerant basis. These services are usually provided by the AEA but may be provided by contractual agreement, subject to the approval of the AEA board, by the LEA or another qualified agency. Special education may be provided on an itinerant basis whenever the number, age, severity, or location of eligible individuals to be served does not justify the provision of professional personnel on a full-time basis to an attendance center.

Special education shall be provided to eligible individuals whose condition precludes their participation in the general and special education provided in schools or related facilities. The provision of services in a home or hospital setting shall satisfy the following:

- a) The service and the location of the service shall be specified in the individual's IEP.
- b) The status of these individuals shall be periodically reviewed to substantiate the continuing need for and the appropriateness of the service.
- c) Procedural safeguards shall be afforded to individuals receiving special education through itinerant services in a home or hospital setting. A need for itinerant services in a home or hospital setting must be determined at a meeting to develop or revise the individual's IEP, and parents must give consent or be given notice, as appropriate.

Supplementary aids and services to support least restrictive environment requirements must be provided as needed for students receiving special education services. These may include intensive short-term specially designed instruction; educational interpreters; readers for individuals with visual impairments; special education assistants; special

education assistants for individuals with physical disabilities for assistance in and about school, and for transportation; materials; and specialized or modified instructionally related equipment for use in the school.

Special schools for eligible individuals who require special education outside the general education environment may be maintained by individual LEA; jointly by two or more LEAs; by the AEA; jointly by two or more AEAs; by the state directly; or by approved private providers.

The State of Iowa assures that:

1. The services of each child requiring special education are individually determined.
2. The services are reviewed on an annual basis.
3. The services are based on the child's individualized education program.
4. The services are provided in the school which he/she would normally attend if not handicapped unless the child's individual education plan requires some alternative arrangements.
5. That the services stipulated by the individualized education program will not produce a harmful effect on the child or reduce the quality of services required to meet his/her special education needs.
6. The services are provided in age-appropriate regular classrooms and the individual is not removed from general education settings solely because of needed modifications to the general education curriculum.

The State of Iowa also assures that requirements of least restrictive environment are met in preschool programs for children with disabilities. The Bureau of Children, Family and Community Services provides technical assistance and staff development activities on the topic of preschool integration.

The State of Iowa assures that in providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and other nonacademic services and activities, each child with a disability participates with children who do not have disabilities to the maximum extent appropriate to the needs of that child. The State of Iowa requires written documentation for the review and satisfactory answers to following questions on IEPs of all students in segregated facilities for severely and profoundly disabled children:

1. What are the reasons that the eligible individual cannot be provided an educational program in an integrated school setting?
2. What supplementary aids and services are needed to support the eligible individual in the special education program?
3. Why can't these aids and services be provided in an integrated setting?
4. What is the continuum of alternative services available for the eligible individual?

The State of Iowa assures that all personnel in private and public agencies responsible for implementing and supporting the requirements LRE (a) are fully informed about their responsibilities for implementing LRE and (b) are provided with technical assistance and

training necessary to assist them in this effort.

The State of Iowa monitors compliance with requirements of least restrictive environment in several ways. The State of Iowa conducts monitoring in one third of the AEAs each year. Interviews with school personnel and student file reviews provide information to document compliance with least restrictive environment requirements. The State of Iowa assures that each annual program plan will include procedures that ensure that students are educated in the least restrictive environment. Each AEA and LEA must provide the state the number of children with disabilities in the state, within each disability category, who are participating in regular education programs and the number who are in separate classes or separate school facilities and otherwise removed from the regular education environment.

If there is evidence that a public agency makes placements that are not consistent with the least restrictive environment, the Iowa Department of Education will review the public agency's justification for its actions and will assist in planning and implementing any necessary corrective action.

## **Legal references**

### **Federal Requirements**

20 USC 1412(a)(5).....	Least Restrictive Environment
34 CFR 300.26.....	Definition of special education
34 CFR 300.130.....	Least restrictive environment
34 CFR 300.305.....	Program Options
34 CFR 300.306.....	Nonacademic services
34 CFR 300.307.....	Physical education
34 CFR 300.308.....	Assistive technology
34 CFR 300.311.....	FAPE for students with disabilities in adult prisons
34 CFR 300.550.....	General LRE requirements
34 CFR 300.551.....	Continuum of alternative placements
34 CFR 300.552.....	Placements
34 CFR 300.553.....	Nonacademic settings
34 CFR 300.554.....	Children in public or private institutions
34 CFR 300.555.....	Technical assistance and training activities
34 CFR 300.556.....	Monitoring activities

### **Iowa Requirements**

Iowa Administrative Rules of Special Education
Division VI Least Restrictive Environment 41.37-41.44
281-41.132(9) – Funding for instructional services